D.B. CIVIL SPECIAL APPEAL NO.7/1997
Nure Khan & Anr. Vs. Harphool Singh

Date : 20.8.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE SANGEET LODHA

Mr. K.C. Samdaria for the appellant.
Mr. S.D. Vyas for the respondent.

Both the learned counsel for the parties state that parties to the special appeal have settled their dispute out of the Court. The deed of written compromise duly verified before the Dy. Registrar (Judicial), Rajasthan High Court, Jodhpur had been placed on record. It bears the signature of defendant and appellant No.2 and the plaintiff respondent duly identified by respective counsel.

According to this compromise, the respondent plaintiff agrees to have received the full consideration of land in question transferred in favour Peere Khan, appellant No.2 by his power of attorney Nure Khan, the appellant No.1, who had no knowledge about the subsequent cancellation of his power of

attorney.

With the aforesaid compromise, the plaintiff-respondent seeks permission to withdraw the suit which was decreed by the courts below and against which this appeal is pending.

In the facts and circumstances, we are satisfied about the genuineness of the compromise and its fairness. In that view of the matter, in terms of the compromise the respondent-plaintiff Harphool Singh is permitted to withdraw his suit.

Consequently, this appeal is allowed. The decrees passed by the courts below are set aside. The suit is dismissed as withdrawn. The parties shall bear their own costs throughout.

[SANGEET LODHA], J. [RAJESH BALIA], J.

babulal/